

#36



FENWICK & WEST LLP

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FACSIMILE TRANSMISSION

JUL 09 2002

CONFIDENTIAL

PETITIONS OFFICE

DATE: July 9, 2002

CLIENT-MATTER No.: 20423-05957

TO:

NAME	FAX NO.	PHONE NO.
Petitioner Examiner Ms. R. C. Tang USPTO	(703) 308-6916	(703) 308-0763

FROM: Edward J. Radlo

PHONE: (650) 858-7142

RE: U.S. patent application serial no. 10/046,496

NUMBER OF PAGES WITH COVER PAGE: 10	ORIGINAL WILL NOT FOLLOW
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MESSAGE:

Dear Ms. Tang: Per your request, following is a copy of the Supplement to Petition to Rescind Notice of Missing Parts and attachments, which we mailed to the USPTO yesterday.

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR THEIR DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

FAX RECEIVED

JUL 09 2002

PETITIONS OFFICE

APPLICANTS: Carey Nachenberg and Everett Lai
APPLICATION NO.: 10/046,496
FILING DATE: October 29, 2001 (the USPTO erroneously
stated it to be November 29, 2001)
TITLE: Temporal Access Control for Computer Virus
Outbreaks
EXAMINER: not yet known
GROUP ART UNIT: 2153
ATTY. DKT. NO.: 20423-05957

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS. R.C. TANG, PETITIONS ATTORNEY, c/o ASSISTANT COMMISSIONER FOR PATENTS, OFFICE OF PETITIONS, CRYSTAL PLAZA NUMBER FOUR, SUITE CP4-3C23, 2201 SOUTH CLARK PLACE, ARLINGTON, VA 22202, on the date shown below:

Dated: July 8, 2002

By: Edward J. Radlo

Edward J. Radlo, Reg. No. 26,793

MS. R.C. TANG, PETITIONS ATTORNEY
c/o ASSISTANT COMMISSIONER FOR PATENTS
OFFICE OF PETITIONS
CRYSTAL PLAZA NUMBER FOUR
SUITE CP4-3C23
2201 SOUTH CLARK PLACE
ARLINGTON, VA 22202

SUPPLEMENT TO PETITION TO RESCIND NOTICE OF MISSING PARTS

Dear Ms. Tang:

On July 3, 2002, you telephoned me to ask whether I wished to make the correction of the filing date part of the Petition to Rescind Notice of Missing Parts that I mailed to the USPTO on March 14, 2002. I replied that I had already submitted

to the Office of Initial Patent Examination, Customer Service Center, USPTO, a Request for Corrected Filing Receipt on March 11, 2002 requesting that the USPTO correct the error that it had made in the filing date. Enclosed is a copy of said Request for Corrected Filing Receipt, including accompanying documentation. Also enclosed is a copy of the postcard my law firm received from the USPTO showing the erroneous filing date of November 29, 2001, rather than the correct filing date of October 29, 2001.

Please correct the filing date at the same time that you address the other issues that I presented in the Petition to Rescind Notice of Missing Parts on March 14, 2002.

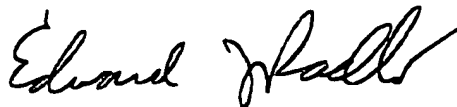
The Commissioner is authorized to charge any fees required in connection with the submission of this Supplement to Petition, and to credit any overpayment, to deposit account 19-2555. This document is being submitted in duplicate.

Respectfully submitted,

date of signature:

July 8, 2002

Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7142



Edward J. Radlo, Reg. No. 26,793
Attorney of Record

encl.

cc: M. Noto (w/encl.)
C. Nachenberg (w/o encl.)

20423/05957/DOCS/1280891.1

7/8/02

IN THE UNITED STATES
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PETITIONS OFFICE

APPLICANTS: Carey Nachenberg and Everett Lai
APPLICATION NO.: 10/046,496
FILING DATE: October 29, 2001 (the USPTO erroneously stated it to be November 29, 2001)
TITLE: Temporal Access Control for Computer Virus Outbreaks
EXAMINER: not yet known
GROUP ART UNIT: 2153
ATTY. DKT. NO.: 20423-05957

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Office of Initial Patent Examination, Customer Service Center, Washington, D.C. 20231, on the date shown below:

Dated:

March 11, 2002

By:

Edward J. Radlo

Edward J. Radlo, Reg. No.: 26,793

COMMISSIONER FOR PATENTS
OFFICE OF INITIAL PATENT EXAMINATION
CUSTOMER SERVICE CENTER
WASHINGTON, DC. 20231

REQUEST FOR CORRECTED FILING RECEIPT

SIR:

Enclosed is a copy of the Official Filing Receipt mailed by the USPTO on February 28, 2002. It contains the following two errors:

1. The filing date is erroneously stated as November 29, 2001. The correct filing date is October 29, 2001, as evidenced by the a) New Utility Patent Application Transmittal; and b) receipt issued by the United States Postal Service indicating that Applicants' representative did in fact deposit the package containing the application with the United States

Postal Service on October 29, 2001. True copies of each of these documents marked, respectively, Exhibit A and Exhibit B, are enclosed.

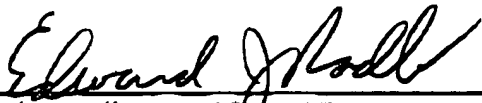
2. The number of drawings is erroneously stated as 5. The correct number of drawings submitted is 8, as evidenced by the New Utility Patent Application Transmittal, a copy of which is enclosed.

Please issue a corrected Filing Receipt rectifying these two errors that were made by the USPTO.

Respectfully submitted,

date of signature:

March 11, 2002


Edward J. Radlo, Reg. No.: 26,793
Attorney of Record

Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7142
Fax.: (650) 494-1417

encl.

cc: C. Nachenberg (w/encl.)
M. Noto "



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/048,496	11/29/2001	2153	1478	20423-05957	5 8	33	9

CONFIRMATION NO. 3384

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94308

FILING RECEIPT



0000000007554709

Date Mailed: 02/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Carey Nachenberg, Residence Not Provided;
Everett Lai, Monterey Park, CA:

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/282,203 04/08/2001

Foreign Applications

If Required, Foreign Filing License Granted 02/28/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Temporal access control for computer virus outbreaks

Preliminary Class

709

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PETITIONS OFFICE

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

+


NEW UTILITY PATENT APPLICATION TRANSMITTAL <i>(only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket Number 20423-05857	
		First Named Inventor Carey Nachenberg	
		Title Temporal Access Control For Computer Virus Outbreaks	
		Express Mail Label No. EL566298875US	

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 3. <input checked="" type="checkbox"/> Specification Total Pages 44 <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> ■ Descriptive Title of the Invention ■ Cross Reference(s) to Related Case(s) ■ Statement Regarding Fed sponsored R & D ■ Background of the Invention ■ Brief Summary of the Invention ■ Brief Description of the Drawing(s) ■ Detailed Description ■ Claim or Claims ■ Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 8 5. Oath or Declaration <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> Combined Declaration & Power of Attorney Total Pages 3 <input checked="" type="checkbox"/> Executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <ol style="list-style-type: none"> 1. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 	<ol style="list-style-type: none"> 7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 9. <input type="checkbox"/> Power of Attorney or Authorization of Agent 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement 11. <input type="checkbox"/> Preliminary Amendment 12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s) 13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 14. <input checked="" type="checkbox"/> Return Postcard 15. <input checked="" type="checkbox"/> Limited Recognition Under 37 CFR §10.9(b) 16. <input type="checkbox"/> 17. <input type="checkbox"/>

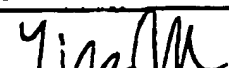
ADDRESS TO:
 Box Patent Application
 Commissioner for Patents
 Washington, D.C. 20231

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/
 Prior application information: Examiner: _____ Group/Art Unit: _____
 For CONTINUING OR DIVISIONAL APPS only. The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS


00758

☒ Customer Number and Bar Code Label

Name (Print/Type)	Jing He	Registration No. (Attorney/Agent)	Rule 10.9(b)
Signature		Date	October 29, 2001

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TO ADDRESSEE**



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Year 2001	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 13	Int'l Alpha Country Code	COO Fee Insurance Fee
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NO DELIVERY <input type="checkbox"/> Unwanted <input type="checkbox"/> Return <input type="checkbox"/>	Customer Signature

FROM: (BUSINESS MAIL) PHONE (650) 494-0600
FENWICK & WEST LLP
2 PALO ALTO SQ STE 800
PALO ALTO CA 94302-2105
20423-05957
JP:lm 10-29-01

TO: (BUSINESS MAIL) PHONE ()
BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
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PETITIONS OFFICE

Date Mailed: October 29, 2001	Atty/Sec: JH:lm	Filing Date: Herewith
Application No.:		Docket No.: 20423-05957
Applicants: Carey Nachenberg and Everett Lai		
Title: Temporal Access Control For Computer Virus Outbreaks		
Please imprint Patent Office "date stamp" hereon to indicate receipt and return card to addressee.		
<input checked="" type="checkbox"/> 44 pages of Specification, Claims & Abstract	<input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).	
<input checked="" type="checkbox"/> 8 sheets of formal drawings	<input type="checkbox"/> Response to Notice Of Missing Parts	
<input type="checkbox"/> Provisional Application Cover Sheet	<input type="checkbox"/> Request to Correct Filing Receipt	
<input checked="" type="checkbox"/> New Utility Application Transmittal	<input type="checkbox"/> Request for Correction of Recorded Assignment	
<input type="checkbox"/> Transmittal	<input type="checkbox"/> IDS, PTO-1449, and cited references	
<input checked="" type="checkbox"/> Fee Transmittal (In duplicate)	<input type="checkbox"/> Issue Fee Transmittal	
<input checked="" type="checkbox"/> Combined Declaration & Power of Attorney	<input type="checkbox"/> Letter to Chief Draftsperson	
<input checked="" type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings: __ sheets	
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Request for Certificate of Correction	
<input type="checkbox"/> CPA Request Transmittal	<input checked="" type="checkbox"/> Limited Recognition Under CFR 10.91(b)	
<input type="checkbox"/> Application Data Sheet	<input checked="" type="checkbox"/> Express Mail No. EL568298875US	
<input checked="" type="checkbox"/> Check in the amount of \$ 1,518.00		
<input type="checkbox"/> Amendment/Response		
Other		
20423/05957/DOCS/1219421.1		

31017 U.S. PRO
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10/29/01

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10/29/01